

Santa Rosa County Sheriff's Office

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NOTARIZED COMPLAINT / GRIEVANCE

TO: (1) C/O INTERNAL AFFAIRS

SANTA ROSA SHERIFF'S
OFFICE

DATE: 10.29.15

5755 EAST MILTON RD.

CASE # 2013-CF-789

MILTON, FL

UC# 5713CF-00789 A

SRSD # 130-FF 005423

INCIDENT # SRSD13CADO058384

FROM: (2) MR. THOMAS TUNSTALL DC# P55717

BED-F2-108-U

BLACKWATER RIVER CORRECTIONAL FACILITY

5914 JEFF ATEES RD. MILTON, FL 32583

(3) RE:

OFFICER KEVIN S. HORN AND OFFICER BANEY

ARRESTING OFFICERS

CASE # 2013-CF-789

AFFIDAVIT / COMPLAINT

(4) AFFIANT SWEARS UNDER THE PENALTIES OF PERJURY, THAT ALL FACTS AND STATEMENTS HEREIN ARE TRUE AND CORRECT. AFFIANT IS REQUESTING INTERNAL AFFAIRS INVESTIGATE THIS COMPLAINT, AS THEY ARE BY LAW, REQUIRED TO INVESTIGATE AN EMPLOYEE, PRETEXT TO ANY SUBSEQUENT INVESTIGATION. AFFIANT FURTHER REQUESTS A FORMAL COMPLAINT NUMBER BE ASSIGNED TO THIS CASE, AND AN INVESTIGATOR, AND BE APPRISED OF THE INITIATION OF THIS COMPLAINT IN WRITING, AND BE PROVIDED ALL REPORTS AND DISPOSITION(S) OF THIS COMPLAINT.

(5) ON APPROXIMATELY 6/30/2013, AT APPROXIMATELY 12:45 A.M. OFFICER HORN WAS DISPATCHED TO A DOMESTIC DISPUTE, S.R.S.O. #130 FF 005423,

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#5) (INCIDENT # SRSO13CADO58384) CRIMINAL CASE #
2013-CF-789, MR. THOMAS TUNSTALL DC # P55717 -VS-
STATE OF FLORIDA. OFFICER HORN HAS BEEN AN
EMPLOYEE OF THE S.C.S.O. FOR APPROXIMATELY 16
YEARS. (A VETERAN). OFFICER HORN RESPONDED AS A
BACKUP OFFICER TO DEPUTY BANEY. UPON ARRIVAL
OFFICER HORN OBSERVED CLOTHING SCATTERED THROUGHOUT
THE HOUSE, ASSESSING IT WAS MOST LIKELY FROM A
STRUGGLE OR JUST AN UNKEPT HOUSE. PROBABLY THE
LATTER. OFFICER HORN THEN LOCATED MR. TUNSTALL
(AFFIANT) IN THE MASTER BEDROOM. OFFICER HORN
MADE CONTACT WITH THE ALLEGED VICTIM, MS. TUNSTALL,
ON THE FRONT PORCH SHORTLY THEREAFTER. AT FIRST
SIGHT OFFICER HORN NOTICED THE ALLEGED VICTIM'S
INJURIES. "V12"

KEVIN HORN - DEPOSITION OCT. 24, 2013

AT 2:46 P.M. UNTIL 2:59 P.M. "V12"

A.) "SHE HAD SOME -- LEFT SIDE OF HER JAW WAS
SWOLLEN. HER LEFT EYE WAS SWELLING UP
AND IT WAS ALSO TURNING BLACK, AND SHE
HAD A CUT UNDER HER CHIN." SEE PAGE (7)
LINES (14-17)

OCT. 24, 2013 DEPOSITION OF OFFICER HORN.
CASE # 2013-CF-789

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5) OFFICER HORN STATED THAT THE ALLEGED VICTIM TOLD HIM MR. TUNSTALL HIT HER IN THE FACE. THE ALLEGED VICTIM ALSO STATED THERE WERE NO OTHER WITNESSES IN THE HOUSE. PAGE 8, LINES (12-14). OFFICER HORN SAW THAT THE ALLEGED VICTIM WAS IN PAIN FROM HIS PROFESSIONAL OBSERVATION. AFTER ASSESSING THE SITUATION OFFICER HORN CONCLUDED THAT THERE WAS A NEED TO TAKE PHOTOGRAPHS OF THE INSIDE OF THE RESIDENCE AND THE ALLEGED VICTIM. THE PHOTOGRAPHS ARE ADMITTED INTO EVIDENCE IN THIS INSTANT CASE. WHEN PHOTOGRAPHING THE ALLEGED VICTIM OFFICER HORN STATED.

"VIZ"

6) "FROM MY EXPERIENCE WITH BUSTING MY OWN CHIN OPEN IT APPEARED TO BE FROM, UH, I GUESS A DOWNWARD IMPACT..." SEE: PAGE 13, LINES 5-10

7) OFFICER HORN COMPARED THE CUT, "LIKE FROM A FALL OR SOMETHING, AN IMPACT TO THE CHIN."
SEE: PAGE #13, LINES (22-24)

8) AFFIANT AVERS THAT OFFICER BANEY HANDCUFFED HIM AND ESCORTED AFFIANT, HANDCUFFED TO HIS PATROL CAR ON HOUSTON CIRCLE WHILE WALKING IN TRANSIT TO THE PATROL CAR. AFFIANT ADVISED BANEY TO SECURE THE CRIME SCENE AND TAKE PHOTOGRAPHS OF THE KITCHEN, SPECIFICALLY THE DISHWASHER AREA. AND, MOST IMPORTANTLY, AFFIANT

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INSTRUCTED OFFICER BANEY TO CALL A FORENSIC EXPERT FROM S.R.S.O. TO OBTAIN BLOOD SAMPLES FROM THE KITCHEN COUNTER. AFFIANT WENT TO EXPLAIN THAT HIS WIFE HAD WENT CRAZY AND SLIPPED AND FELL IN THE KITCHEN AREA, NEAR THE DISHWASHER. AFFIANT BEGGED THE OFFICER TO DO THIS FORENSIC BLOOD ANALYSIS. OFFICER BANEY STATED HE WOULD MAKE SURE IT GOT DONE, AND SAID SOMETHING TO THE EFFECT OF "BLOOD SMEARS ILLUMINATE YOU KNOW". AFFIANT, AT THAT TIME, BELIEVED THAT OFFICERS HORN AND BANEY, OR BOTH WOULD CALL THE APPROPRIATE CRIME SCENE FORENSIC EXPERTS SO AFFIANT COULD PROVE THAT HIS WIFE'S SERIOUS CHIN INJURY WAS FROM HER FALL AND NOT FROM HIM STRIKING HER. OFFICERS HORN AND BANEY VIOLATED THE INTERNAL OPERATING PROCEDURES AND GENERAL ORDERS OF S.R.S.O. PROTOCOL BY NOT SECURING THE CRIME SCENE AND CALLING APPROPRIATE FORENSIC EXPERTS TO INVESTIGATE THE BLOOD SPILLAGE ON THE CRIME SCENE. THIS MISCONDUCT OF THESE TWO OFFICERS VIOLATED AFFIANTS DUE PROCESS OF THE LAW UNDER U.S. CONSTITUTION AMENDMENTS VI AND XIV AND ARTICLE (1) SECTION (9) OF THE DUE PROCESS CLAUSE OF THE FLORIDA CONSTITUTION. IF THE OFFICERS WOULD HAVE FOLLOWED PROTOCOL, AFFIANT WOULD HAVE PROVED HIS INNOCENCE OF HIS OFFENSE CHARGED.

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RELIEF

AFFIANT REQUESTS INTERNAL AFFAIRS OF THE S.R.S.O. TO INVESTIGATE THIS INCIDENT OF MISCONDUCT AND IMPLEMENT DISCIPLINARY ACTION(S) TO THE ABOVE OFFICERS AS THE DEPARTMENT DEEMS APPROPRIATE. AFFIANT FURTHER REQUESTS THIS COMPLAINT BE ISSUED A CASE NUMBER AND AFFIANT BE SERVED WITH ALL DOCUMENTS RELATED TO THIS INVESTIGATION. UPON RECEIPT OF THIS COMPLAINT AFFIANT REQUESTS A STAMPED COPY OF THIS COMPLAINT TO BE SERVED AFFIANT BY U.S. MAIL.

CERTIFICATION

I HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE FOREGOING WAS SENT VIA U.S. MAIL, THROUGH PRISON OFFICIALS' HANDS ON THIS DATE 10.29.15

CC. S.R.S.O. INTERNAL AFFAIRS

CC. CLERK OF COURT S.R.

DC# P55717

THOMAS TUNSTALL

x/s Thomas Tunstall

OATH

UNDER THE PENALTY OF PERJURY I DECLARE ALL STATEMENTS AND FACTS HEREIN ARE TRUE AND CORRECT

NOTARY SEAL



DC# P55717

THOMAS TUNSTALL

x/s Thomas Tunstall

NOTARY SIGNATURE

x/s Christina Kay Rasler